

REMARKS

Claims 1-15 are now pending and presented for review. Claims 1-7, 14 and 15 currently stand rejected. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. Rejections Based on the Prior Art

a. Rejections under 35 U.S.C. § 102(e)

Claims 1, 3-5, 14 and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,862,094 to Johansen (hereinafter “Johansen”).

With respect to claim 1, Johansen does not anticipate the present invention because Johansen fails to disclose “an optical assembly for adjustably directing the analyzing light beam received along the first fixed axis at one of a range of incident angles.” In the present invention, a fixed-light source projects light along a fixed axis which is then is adjustably directed at one of a range of incident angles. Similarly, the light is then adjustably directed back to a fixed-detector along a fixed axis. Johansen, on the other hand, requires movement of the light source and detector, whereas in the present invention the light source and detector are not moved; thus, the analyzing light beam is projected along a fixed axis and the modified light beam received along a fixed axis. Because Johansen does not teach the claimed optical assembly, Applicant believes claim 1 to be in condition for allowance and respectfully requests an indication thereof.

The Examiner has rejected claims 3-5 and 14-15 as being anticipated by Johansen. Because claims 3-5 and 14-15 depend directly from claim 1, Applicant

believes that claims 3-5 and 14-15, like claim 1, comprise allowable subject matter for the reasons previously stated. As such, an indication of allowable subject matter is hereby respectfully requested.

b. Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 2 and 6-7 under 35 U.S.C. § 103(a) as being unpatentable over Johansen as applied to claim 1 and in further view of Japanese Publication No. 63-082346 to Tajima (hereinafter "Tajima").

Claims 2 and 6 depend directly from claim 1, and claim 7 depends directly from claim 6; as such, it is believed that claims 2 and 6-7 are in condition for allowance for the reasons already recited above. While Applicant believes that the above remarks put this application in condition for allowance, there may be other differences between the present invention and the references cited.

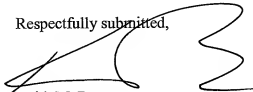
CONCLUSION

It is submitted that claims 1-15 are in compliance with 35 U.S.C. §§ 102 and 103 and defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fees are believed due with this response. Should the Examiner consider any additional fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Keith M. Baxter', with a large, stylized loop at the end.

Keith M. Baxter

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Dated: November 8, 2006

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